

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

## United States District Court

Western

District of

Virginia

FEB 4 2009

JOHN F. INCORAN, CLERK

BY: *[Signature]*  
DEPUTY CLERK

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Michelle Nicholson

Case Number: 709m138

Roanoke, VA

SS#: xxx-xx-8213 DOB: 67  
(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my Knowledge and belief. On or about 12/13/2006 to 08/06/2007 in The City of Salem, in the Western District of Virginia defendant(s) committed,

## Larceny of Government Property

in violation of Title 18 United States Code 641 and  
I further state that I am a Special Agent and that this complaint is based on the  
following facts:  
Official Title

See attached affidavit.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Benjamin M. LaBuz

Name of Complainant

*[Signature]*

Signature of Complainant

Sworn to before me and subscribed in my presence,

February 4, 2009

Date

at

Roanoke, Virginia

City and State

Michael F. Urbanski,  
U.S. Magistrate*[Signature]*

## **AFFIDAVIT**

I, Benjamin M. LaBuz, being duly sworn, state the following:

### **I. INTRODUCTION**

1. I am currently employed as a Special Agent with the Department of Veteran's Affairs, Office of Inspector General, Criminal Investigation Division, and have been so employed for approximately two years.

2. I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center where I received training in the investigation of offenses against the United States Government. In addition, I have worked on several investigations involving the theft of United States Government money and property.

3. The information contained in this affidavit is based on my personal knowledge and information provided by other law enforcement officers, including officers of the Department of Veterans Affairs, Police Services. This affidavit does not contain all the information I know regarding this investigation, and is for the sole purposing of establishing probable cause for:

### **CRIMINAL COMPLAINT for MICHELE NICHOLSON**

4. Based on the information stated more fully below, there is probable cause to believe that MICHELE NICHOLSON ("NICHOLSON") participated in a theft scheme to defraud the United States Department of Veterans Affairs ("VA") of money, in violation of Title 18, United States Code, Section 641 (theft of public money).

## **II. BACKGROUND**

5. NICHOLSON is a registered nurse employed by the VA and is stationed at the VA Medical Center in Salem, Virginia ("VAMC"). As a nurse employed by the VA, and having been employed for more than one year, NICHOLSON is eligible to participate in the VA's National Nursing Education Initiative ("NNEI"). The NNEI provides tuition reimbursement for nurses in their pursuit of higher education. NNEI participants are required to pay the tuition and fees at the university which they attend. To be reimbursed for tuition costs, participants must submit a copy of the university invoice to the VA.

6. On or about August 18, 2006, NICHOLSON signed a NNEI Advanced Degree Education Program contract. The contract approved \$15,800 in funding for NICHOLSON to pursue an advanced nursing degree. The contract also required NICHOLSON to complete a three-year service obligation with the VA upon completion of the degree.

7. In or around July 2006, NICHOLSON began receiving invoices from Walden University ("Walden"). Walden sent NICHOLSON the invoices via email; however, invoices were also available to NICHOLSON through Walden's online student portal. Walden is strictly an online university and does not mail invoices through the postal system.

8. On or about July 1, 2006 and continuing through approximately October 31, 2007, NICHOLSON submitted Walden invoices to the Human Resources Department at the VAMC for reimbursement of tuition funds. NICHOLSON was reimbursed a total of \$14,525 between October 2006 and August 2007.

### III. THEFT SCHEME

9. On September 25, 2007, Police Services at the VAMC received information from Marsha Garrison ("Garrison"), Education Coordinator at the VA, stating NICHOLSON had submitted multiple fraudulent invoices to her office. Garrison informed Police Services that she found a typed note which had been placed under her office door. The note, sent by an anonymous employee, stated he or she had observed NICHOLSON altering the invoices that NICHOLSON provided the VA for reimbursement.

10. Garrison reviewed Walden invoices submitted by NICHOLSON and noticed suspicious technology and book fees ranging from \$350 to \$750 dollars. Garrison contacted the Walden Bursar's Office and spoke with Tina Curreri ("Curreri"). Curreri informed Garrison that Walden did not charge separate technology or book fees on their invoices.

11. The Affiant received, through an Inspector General subpoena, certified copies of NICHOLSON'S Walden invoices. A review of the invoices confirmed Walden did not charge technology and book fees.

12. The Affiant reviewed invoices submitted by NICHOLSON to the Human Resources Office at the VA. On four separate occasions, NICHOLSON submitted altered invoices to the VA. NICHOLSON added a total of \$2,325 in fraudulent technology and book fees as outlined below:

Count	Date NICHOLSON Provided Invoice to VA	Amount NICHOLSON Altered	Date NICHOLSON Received Reimbursement	Amount NICHOLSON Received
1	7/24/2006	\$750	12/13/2006	\$500
1	1/22/2007	\$350	2/6/2007	\$350

2	3/22/2007	\$475	5/2/2007	\$200
2	7/2/2007	\$750	8/6/2007	\$375
Totals		\$2,325		\$1,425

13. On four separate occasions, NICHOLSON was reimbursed for fraudulent technology and book fees. Reimbursements were paid via electronic funds transfer (EFT) to an account NICHOLSON established with the VA.

### **III. CHARGES**

#### **COUNT 1**

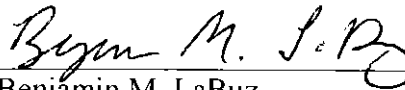
14. On or about December 13, 2006 and February 6, 2007, at Salem, in the Western District of Virginia, MICHELLE NICHOLSON, did knowingly steal a total of \$850 from the United States Department of Veterans Affairs, in violation of Title 18, United States Code, Section 641.

#### **COUNT 2**

15. On or about May 2, 2007 and August 6, 2007, at Salem, in the Western District of Virginia, MICHELLE NICHOLSON, did knowingly steal a total of \$575 from the United States Department of Veterans Affairs, in violation of Title 18, United States Code, Section 641.

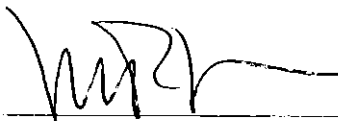
16. The Affiant respectfully requests a summons for MICHELLE NICHOLSON because she knowingly stole \$1,425 in funds from the Department of Veterans Affairs in violation of Title 18, United States Code, Section 641.

Sworn to and subscribed before me this 27<sup>th</sup> day of February, 2009.



Benjamin M. LaBuz  
Special Agent  
Department of Veteran's Affairs  
Office of the Inspector General

Subscribed and Sworn to before me this 4<sup>th</sup> day of February, 2009.



United States Magistrate Judge